

FROM : MICHAEL KENNEDY PC

FAX NO. : 212 980 6881

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LAW OFFICES OF
MICHAEL KENNEDY
 A PROFESSIONAL CORPORATION
 419 PARK AVENUE SOUTH
 16TH FLOOR
 NEW YORK CITY 10016
 TELEPHONE (212) 980-4800
 TELEFAX (212) 980-6881

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MICHAEL KENNEDY NY & CA BARS
 ROBERTO A. RIONDA NY & CA BARS
 DAVID CLIFFORD HOLLAND NY, NJ & MD BARS

ELEANORE KENNEDY
 TRIAL CONSULTANT

June 19, 2008

BY FAX: 212-805-7941

The Hon. Loretta A. Preska
 United States District Judge - SDNY
 500 Pearl Street
 New York, NY 10007

Re: Vie Luxe, et al., v. Benedict 08 CV 5023(LAP)

Dear Judge Preska:

I am writing to inform the Court and counsel of a minor docket entry numbering issue relating to Defendant Benedict's Pre-Answer motion to dismiss. I have conferred with ECF personnel about the issue and they assure that the motion is properly filed and that the docket sheet is fine.

The Pre-Answer Motion was originally filed on June 18, 2008. The Notice of Motion was filed with supporting documentation submitted as attachments. The ECF system electronically filed and numbered the documents. The numbering sequence on the original motion was:

Notice of Motion	- #6
Memorandum In Support of Motion	- #6-2
Affirmation In Support of Motion	- #6-3
Affidavit In Support of Motion	- #6-4
Affidavit of Service	- #6-5

Thereafter, I received a notice from ECF to re-file the motion making each attachment a separate document. On June 19th, as instructed, I uploaded the previously time/date stamped submissions. The Computer then time/date stamped each document over the original date stamp making the number sequencing difficult to read. The documents were recorded to the docket sheet as entries #7-11.

I conferred earlier today with ECF clerks who informed that there is no way to override the ECF system to re-submit the documents with a legible time/date stamp. Therefore, in efforts to eliminate any further confusion for the Court and Counsel, the new numbering sequence is:

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Notice of Motion - #7
Memorandum In Support of Motion - #8
Affidavit In Support of Motion - #9
Affirmation In Support of Motion - #10
Affidavit of Service - #11

As stated previously, the ECF clerks have advised me that as far as the computer system is concerned the June 18th submission date, the June 30th response date, and the return date of July 10th (should the Court request oral argument) are unaffected by this. Should the Court or Counsel feel differently then please notify me at your earliest convenience.

I apologize for any confusion that this might have caused.

Sincerely,

David C. Holland, Esq.

cc:

BY FAX: 212-480-8421

Mark J. Hyland, Esq. (MH-5872)
Anne C. Patin, Esq. (AP-6155)
Julia C. Spivack, Esq. (JS-6054)

SEWARD & KISSEL, LLP
One Battery Park Plaza
New York, New York 10004

All of the above is approved except that the Court will inform counsel if oral argument is required. Counsel need not appear on July 10.

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

July 3, 2008